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REMARKS

Claim Rejections – 35 USC § 103

Claims 1 and 2 stand rejected under 35 USC 103(a) as unpatentable over Calvez et al (US. Pat. No. 6,981,145, hereinafter "Calvez") and in view of Sadovsky (US. Pat. No. 5,689,638, hereinafter "Sadovsky").

In order for a claimed invention to be rejected on obviousness, the prior art must suggest the modifications sought to be patented; In re Gordon, 221 U.S.P.Q. 1125, 1127 (CAFC 1984); ACS Hospital System, Inc. v. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (CAFC 1984). Further, there must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge cannot come from the applicant's invention itself. In re Oetiker, 24 U.S.P.Q. 2nd 1443, 1445 (CAFC 1992). In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); M.P.E.P § 2142.

Claim 1 as presently amended claims a method with the limitation steps of: (1) if an authentication server is *not* in operative communication with a client in response to an *unsuccessful* user authentication; (2) *searching the client* for a stored authenticated credential corresponding to said user; and (3) *using* a found stored authenticated credential to access an at least one secure resource *without further authenticating the credential with the server or other authenticating entity while* said authentication server is *not* in operative communication with said client.

Calvez does not teach the invention claimed by amended claim 1. Calvez instead teaches remote authentication when an authentication server 3 is not in operative communication with a local machine 4 by ***expressly requiring*** *additional remote authentication steps* by a ***remote administrator*** *8* through communication via a *communication means 9* (defined as including telephone line, telex, radio line, or a computer connection means at his Column 3 lines 11-21): therefore, *the remote administrator 8* **must** be in **operative communication** with the local machine 4, and ***authenticate*** a user's access to the local machine 4, in contradistinction to the invention claimed by applicant's claim 1.

Sadovsky does not supply the missing teachings to modify Calvez to teach the invention claimed by applicant's amended claim 1. Nor can it. A prior art reference may be considered to teach away from an invention when "a person of ordinary skill upon reading the reference, would be discouraged from following the path set out in the reference, or would be lead in a direction

divergent from the path that was taken by applicant." In re Gurley, 27 F3rd 551, 553; 31 USPQ 2d 1130, 1131 (Fed Cir 1994).Any attempt to modify Calvez with other teachings to remove the remote administrator 8 step and structure requirements would be impermissible for teaching away from the express requirements of Calvez's invention. Thus, Calvez cannot be modified by Sadovsky, or by any other prior art reference to teach the invention claimed by claim 1.

More particularly, Sadovsky does not in any sense teach providing access to a secure resource ***without*** the presence of a connection to a ***remote server or remote administrator*** and credential authentication thereby **prior** to granting access to secured materials; neither does any other prior art reference cited by the examiner.

Thus amended claim 1 is believed to be allowable under 35 USC 103(a) over Calvez and in view of Sadovsky. As the other prior art of record fails to teach the invention(s) claimed, nor may they permissibly modify Calvez to teach the inventions claimed, amended claim 1 is also believed to be allowable under 35 USC 103(a) over Calvez in view of Misra (U.S. Patent No. 5,757,920); and Calvez in view of Fuh (U.S. Patent No. 6,463,474).

Amended claims 2, and 4-6 and new claims 22-24 are all directly or indirectly dependent upon amended claim 1 and, therefore, incorporate all of the limitations of claim 1; they are all thus also believed allowable under 35 USC 103(a) over Calvez, Calvez in view of Sadovsky, Calvez in view of Misra, and Calvez in view of Fuh. Claim 10 is an independent method claim, and has been amended herein to incorporate the limitations discussed above with respect to amended claim 1: amended claim 10 is thus also believed allowable under 35 USC 103(a) over Calvez, Calvez in view of Sadovsky, Calvez in view of Misra, and Calvez in view of Fuh. Amended claims 11 and 16-18 and new claims 19-21 are all directly or indirectly dependent upon amended claim 10 and, therefore, incorporate all of the limitations of amended claim 10; they are all thus also believed allowable under 35 USC 103(a) over Calvez, Calvez in view of Sadovsky, Calvez in view of Misra, and Calvez in view of Fuh.

New claim 25 is a system claim that claims structural limitations analogous to the step limitations discussed above with respect to amended claims 1 and 11. New claim 25 is thus believed allowable under 35 USC 103(a) over Calvez, Calvez in view of Sadovsky, Calvez in view of Misra, and Calvez in view of Fuh. And new claims 26-28 are all directly or indirectly dependent upon new claim 25 and, therefore, incorporate all of the limitations of new claim 25; they are all

thus also believed allowable under 35 USC 103(a) over Calvez, Calvez in view of Sadovsky, Calvez in view of Misra, and Calvez in view of Fuh.

Conclusion

For the above reasons, each of the claims now in the application is distinguishable one from the other and over the prior art. Therefore, reconsideration and allowance of the claims are respectfully requested.

Respectfully submitted,

Date: October 17, 2006 By: _____

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